

**CENTER CITY ADMINISTRATIVE DELAY AD HOC COMMITTEE  
MEETING MINUTES**

**APRIL 28, 2022**

The Center City Administrative Delay Ad Hoc Committee of the City of Norman, Cleveland County, State of Oklahoma, met in the Executive Conference Room of the Norman Municipal Building, 201 West Gray Street, on the 28<sup>th</sup> day of April, 2022.

Notice and agenda of the meeting were posted at the Norman Municipal Building and online at <https://www.normanok.gov/your-government/public-information/agendas-and-minutes> 24 hours prior to the beginning of the meeting.

MEMBERS PRESENT

Councilmember Lee Hall  
Councilmember Matthew Peacock  
Keith McCabe  
Jim Adair  
Richard McKown

MEMBERS ABSENT

Councilmember Stephen Holman  
Autumn McMahon

A quorum was present.

STAFF MEMBERS PRESENT

Lora Hoggatt, Planning Services Manager  
Logan Hubble, Planner I  
Colton Wayman, Planner I  
Anais Starr, Planner II  
Rone' Tromble, Admin. Tech. IV  
Beth Muckala, Assistant City Attorney  
Scott Sturtz, City Engineer  
Todd McLellan, Development Engineer

GUESTS

Peter Petromilli

Councilmember Hall called the meeting to order at 11:31 a.m.

**1. WELCOME**

Councilmember Hall – I'd like to welcome everybody here, and anybody who will be listening later to the Center City Administrative Delay Ad Hoc Committee. Today is Thursday, April 28, 2022. The final meeting of the Center City Form-Based Code Administrative Delay Ad Hoc Committee for 2022. Thank you all for being here. Ms. McMahon is absent today, and we just found out minutes before the meeting started that Councilmember Holman will not be able to be with us today; he was not able to get a replacement in his place of employment. So we will move right ahead.

**2. CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF THE MINUTES AS FOLLOWS:**

- a. **Center City Administrative Delay Ad Hoc Committee Minutes of January 20, 2022**
- b. **Center City Administrative Delay Ad Hoc Committee Minutes of February 10, 2022**
- c. **Center City Administrative Delay Ad Hoc Committee Minutes of February 24, 2022**
- d. **Center City Administrative Delay Ad Hoc Committee Minutes of March 3, 2022**
- e. **Center City Administrative Delay Ad Hoc Committee Minutes of March 10, 2022**
- f. **Center City Administrative Delay Ad Hoc Committee Minutes of March 17, 2022**
- g. **Center City Administrative Delay Ad Hoc Committee Minutes of March 24, 2022**
- h. **Center City Administrative Delay Ad Hoc Committee Minutes of April 7, 2022**
- i. **Center City Administrative Delay Ad Hoc Committee Minutes of April 14, 2022**
- j. **Center City Administrative Delay Ad Hoc Committee Minutes of April 21, 2022**

Councilmember Hall – The first item of business that we need to take care of is to approve, reject, amend, or postpone all of our minutes.

Mr. McCabe – I'd like to make a motion that we approve all of the minutes.

Mr. Adair – Second.

Councilmember Hall – Okay. There has been a motion on the floor and seconded that we approve all of the minutes. They have all been posted publicly for any member of the community to see. All in favor, please say aye. All opposed? The motion passes. Thank you for that.

**3. DISCUSSION REGARDING CONSOLIDATION IN NUMBER OF FRONTAGES**  
**a. Unit Minimums**

Councilmember Hall – The next item is discussion regarding consolidation in number of frontages. I'm going to turn this over to Logan in just a minute, but what I want to say about that is this was something that, after our meeting last week and really during our meeting last week, we've had feedback from committee members, staff members, community members, and it was apparent that there was some confusion in how we were talking about this and what the intent was, as opposed to how it was interpreted by the written word. One of the things that we thought would be a good idea is to not only create a height map, but also a unit minimum map. I think, just to start the discussion, the confusion lies in talking about increasing the height and one of the things that came forth in a very comprehensive way is that the understanding of multiple people was that you would still have the ability to do a 3-unit minimum in the area north of Duffy currently described as the blue, as opposed to how it turned out in written form as being a 4-unit minimum. I think there was some confusion about the 5 minus 1 discussion. We just want to clear that up today, because there does seem to be consensus just with confusion, for sure, that we want to make sure we know what we're talking about. So I'm going to turn that over to Logan.

Mr. Hubble – I have the unit minimum map up here. I'll just walk through the whole thing. In the area which is now Urban Residential south of Duffy, we have a 1-unit minimum.

What it says in the text is no unit minimum, but we put the number 1 on here. You're at least going to build one unit. In the area that is now the Urban Residential north of Duffy, which was formerly the blue Townhouse/Small Apartment, we had originally planned on doing a 1 less than the maximum height, but after receiving the feedback we received over the last week, we ended up lowering that – returning it to the 3-unit minimum that is there right now in the current document.

Elsewhere, in the Urban General – the orange along James Garner and on Gray and Comanche and Boyd – we kept the 1 less than the height maximum that we had talked about. Just to make it perfectly clear, in these parcels on Boyd and these parcels on James Garner, that each parcel will be required to have at least 4 units on it as shown here. These parcels on Main Street, if they have residential units above commercial – they're Urban Storefront so they would have to have commercial on the ground floor, but if they do have residential above, they would be required to build at least 5 residential units. This is what we've been discussing the whole time. There was confusion about it, but this is what we had been trying to convey. I just wanted to make it perfectly clear here with a map.

Mr. Adair – I've got a problem with the commercial. In the residential areas, typically I think we're looking at a 50' front – it may be two 25' lots, but a 50' front. On Main Street the majority of the time you're looking at a 25' front on a 25' lot. To say you've got a 5-unit minimum in an existing, what a lot of people would call historical structure that may be two stories – I'm not sure we need – I'm not sure we're going to see enough of it that we need a minimum there.

Mr. Hubble – As it exists right now, there is a 3-unit minimum in that area if you build residential. So in the orange and the red, it's the same as it is in the current blue – Urban Residential north of Duffy – that's all a 3-unit minimum. Although we've been previously discussing, this is the only part we've kept, so if we do want to get rid of that and just go back to the 3, that's definitely something we can discuss.

Mr. McKown – If you have a commercial unit in that orange area, does that count as one of the units?

Mr. Hubble – No. It's only residential units.

Mr. McKown – Okay. My question was – I'm going to amend my question. Can the commercial unit count as one of the units in the orange, because commercial is hard enough as it is? We're sitting here creating a real estate product that we're just not going to see built. Prototypes. If we could draw this up in our next iteration as we go to pattern zoning and we literally say here's a building and here's what we think it is and here's how we think that building can be built at an economically competitive price point and it has its commercial use and so on and it meets our parking – this is a helluva hard design challenge. If we're painting ourselves into a corner, where we've essentially used words to describe something that can't be drawn into existence, and even if it can its price to build it makes it to where no one is going to build it, all we've done is just sort of put this whole zone in an icebox until we come back and do this again, or prices go through the roof.

Ms. Starr – Are you talking just about the red – the 5-unit minimum on the red?

Mr. McKown – The red and the orange.

Mr. Adair – If I may, again – Matt, you and I have looked at this but really not started drawing on it. Forgive me if I'm talking about things we've done, but I have some experience in this one. We've tried to always preserve the existing structure. I think most people in the area – I don't know of anything on Main Street that's been scraped. I think that's pretty universally been done. We have looked at properties in this area that are 1-story and literally toyed with the idea of what would it take to drop steel and literally build a second floor wrapping the existing structure? Now, we've talked about probably only doing it 65-70' deep, basically put 2 units over a 25' lot. That's just something in a scale that I think anyone would say is consistent with the area.

Ms. Starr – Just for a point of clarification – you only have to build residential units if you're building residential units, or do you always have to build them?

Mr. Hubble – If you don't want to build residential, you don't have to build residential units. You can just do commercial.

Mr. Adair – Not just us, but this is one of the areas that we're seeing 1-bedroom units.

Councilmember Hall – Outside of Center City, at the moment.

Mr. Adair – Correct. Well, actually, the stuff over Scratch is in Center City. It pre-dated it. To my knowledge, I think those were all 1-bedroom units.

Mr. McCabe – In the orange, when they build – and I'm going to state that I haven't done that yet. But if I'm correct, they have to build the groundstairs unit that can either be commercial and/or residential.

Mr. Hubble – Yes.

Mr. McCabe – So if they have to use the ground floor – if they have the option to go, would we not count the ground floor just because we talk about the future development, so it could start commercial today, end up residential later so, to me, in the orange, since we're already asking for that convertible product, then that should probably count for one of your units.

Ms. Starr – And it would. Correct?

Mr. Hubble – Well, not how it's written right now, but we can definitely change to that if that's what the committee wants.

Councilmember Peacock – I'd be in support of that, because I don't think we want residential on the ground floor in a lot of these areas. So if we're able to count

commercial as one of the units, I think that incentivizes people to build more commercial on the ground floor.

Ms. Starr – Is that what you were saying?

Mr. McCabe – Yes. But it's just the fact that – and if I may, because when we did orange, we kind of wanted to build a convertible product. You could use it as residential if you chose, you just have to build it to commercial standard. So, since you have to build it to commercial standards, you had that option either way, so that, to me, tells me that that needs to be counted as a unit either way. Because it could change next year with a different occupant, which would then change all of that. To me it seems like it makes sense to count the ground floor as a unit.

Mr. Hubble – Okay. I think it would be a good incentive for commercial development that I think we'd all like to see in the area.

Councilmember Peacock – I think that's the only reason I'd really support that idea because it puts some teeth into – I don't want to say forcing commercial development, but it encourages it. I think that's the right way to look at it. I think the last thing we want is a bunch of residential ground floor units in our Center City area, so that's why I have some heartburn with it, but – in the red, I didn't think you were able to do ground floor residential at all.

Mr. Hubble – No, you can't. The first 20' behind the RBL have to be commercial, then you can have a ground floor residential behind that.

Councilmember Hall – But orange is – so you're correct. Right?

Ms. Starr – Right. So just to make sure – do we have consensus on what way people are leaning toward the red and the orange? Do you want a 3-unit minimum, or are we wanting no – I've kind of heard a couple different things. 3-unit minimum? No minimum?

Mr. Adair – 3 if the commercial counts.

Ms. Starr – In the orange? And then how about the ...

Mr. Adair – I was talking the red. I'm sorry.

Ms. Starr – Well, in the red it wouldn't, because you can't ...

Councilmember Hall – So red and orange have to be treated differently. So let's talk about red. Let's do red first, because you can't do streetfront residential in red. Correct?

Mr. McKown – I'm so far outside my sandbox. Tell me what works.

Mr. Adair – If you build a 2-story structure on 25' – if you're doing one residential level on a 25' lot, you've got 3500 sq. ft. – you've got to have a corridor from front to back.

Councilmember Peacock – Two exits.

Mr. McKown – So you're lucky to get 2 units in. You're not doing 3500 sq. ft. units. Right?

Mr. Adair – My understanding with the fire code was if you had a segregated bedroom, you did not have an operable window out of it, you had to do a separate door to a fire-rated corridor, which meant you had – we had multiple units that had to have two doors in each unit because they don't have an operable window in the bedroom. On Blairs, we have got 3 deep, but we had a 7000 sq. ft. footprint to deal with there. On a 25' lot, it gets real tough.

Mr. Hubble – I just wanted to make it really clear that right now we require 3 units. Right now, if you built something today – or if you've been through the appeal process and tried to build something today, we would require 3 residential units in the red. So what we're talking about is a lowering from what is required today. I just want to make that clear.

Mr. Adair – And how many have you actually seen?

Mr. Hubble – None.

Ms. Starr – Well, Joey Wishnuck came through on a CCPUD, and he had, I think, that many units at least in his CCPUD.

Councilmember Hall – As a potential option. Can you speak to Joey's project?

Councilmember Peacock – Yeah. That was one of several scenarios we had looked at. It could have had up to 8 units on the second floor. Whether or not that project is going that direction, I'm not sure yet. But there was the ability to do that.

Mr. Adair – But, functionally, you had 140' frontage to do that in.

Councilmember Peacock – It was a corner lot, so we had dual frontage, so we were able to actually use the side street as the actual frontage, not the Main Street address.

Councilmember Hall – Just a point, it's a corner lot. It required a CCPUD to do pretty much anything, and the lot itself was in two different building form standards. We had red and the orange on the same parcel.

Councilmember Peacock – Right.

Councilmember Hall – My little comment about corners, once again.

Councilmember Peacock – That one happened to be unique, also, in the fact that there was not a building there already. I think that Mr. Adair's point – we don't want to create a scenario where people have to demolish an existing historic building to build back the

unit minimum. We're working with 25' wide lots, existing 2-story buildings – I can see the rub.

Mr. McCabe – At what point on an historic building, if Jim was going to do work – and I'm leaning toward him, because I do residential – but at what point, if he does a remodel on his historic building does it trigger that he would have to come up to Center City Form-Based Code?

Mr. Hubble – I think Beth can do a more full answer, but could be an addition of greater than 50%.

Mr. McCabe – So it's the same as residential. But if he stays with under 50% or below on the remodel, he is able to maintain his legacy zoning – I love all these new words I've learned. So he is able to maintain his legacy zoning, but it's kind of that 50% target. Okay. Thank you.

Mr. Adair – Your legacy zoning doesn't permit residential. Legacy zoning is straight commercial there.

Mr. Hubble – Correct.

Ms. Starr – So they would have to come back for a CCPUD.

Mr. Hubble – What we have discussed is that, for almost anything you're going to do on Main Street, a lot of them will require a CCPUD because what's there right now does not conform.

Councilmember Hall – Mr. McCabe, what am I ...

Mr. McCabe – Nope. You're good. That was in the red.

Councilmember Hall – Wait a minute. What's good?

Ms. Starr – Yeah, what is good? What did you guys think on red? 3-unit minimum – stay with it, or ...

Councilmember Hall – Want to go back to the 3?

Mr. Adair – Counting the commercial as one?

Ms. Starr – You can't in red.

Mr. Adair – I think 2 is what you're going to see.

Mr. McKown – I'm at a no unit minimum.

Councilmember Hall – No. That's not what I'm hearing.

Ms. Starr – We currently have 3. We're proposing to ...

Mr. Adair – I'm doing one right now with one.

Mr. McKown – Okay.

Mr. Adair – Above Scratch, again, it's endcap. There's 4 up there, but I think 3 of them are connected together.

Mr. McKown – Yes. Yes, I've been in there. That's right.

Mr. Adair – I think 2 is what you're going to see, most likely, from a practical standpoint.

Mr. Hubble – We can do the same thing with allowing the commercial unit to count toward the unit minimum, even though it's not technically – would never be residential. We can still count it toward that. Technically speaking, it would still be a 3-unit minimum, but it would nominally be a 2-unit minimum – two residential units.

Councilmember Hall – That's what I'm proposing.

Councilmember Peacock – I would support that.

Mr. McCabe – Yes.

Mr. Adair – Works for me.

Mr. McKown – Okay.

Councilmember Hall – Does that clarify? Okay.

Mr. Hubble – So red ... Orange – do we stick with what we have here shown, so one less than the height maximum, and then the commercial unit could count toward the unit minimum, or do we go back to 3?

Councilmember Hall – And it's currently 3.

Mr. Hubble – Yes.

Ms. Starr – And it's proposed to be 5.

Mr. Hubble – Depending on where you are.

Ms. Starr – And you could count one of the commercial it sounds like.

Mr. Hubble – Yes.

Ms. Starr – So what does everybody think?

Councilmember Peacock – I feel like you have a lot more opportunity to build new in the orange area, so I've got less heartburn having a 5 in the orange. But, again – I think my position in the red was, yeah, again just protecting the existing stock of buildings there.

Mr. Adair – Are we talking per structure or per lot?

Mr. Hubble – Per parcel.

Mr. Adair – Per parcel.

Mr. Hubble – In the orange there aren't nearly as many of the 25'. There are some.

Mr. Adair – You could come in and remove a lot line, probably.

Mr. McKown – When you say per parcel, if I have a 75' wide parcel and you have a 25' wide parcel ...

Ms. Starr – You're getting the same minimum. You both have to meet the same minimum.

Mr. McKown – Right. That's madness.

Mr. Adair – Forgive me. Speaking from personal experience. We did 3 units on 2 lots. We had to sprinkle them, and the sprinkling triggered removing the lot line, putting it into one building. So, at that point, it was a 50' lot. We're really getting into – what I'm looking at on a 25' frontage is different if you're talking about 50' or 100' property. Maybe we need to define that.

Councilmember Peacock – I don't know how you'd define that.

Mr. Hubble – We have spent a lot of time on that exact issue. What we have now is just that it's per parcel. Every way you look at it comes up with a new issue with it. So there's no perfect way to ...

Ms. Starr – You don't want to do it per lot, because that creates issues, too.

Mr. Hubble – Yeah. Per lot creates issues. There's a lot of different ...

Councilmember Peacock – Is there any way you could do it as a percentage? Basically, if you had a 25' lot, it's x percentage; if you've got a 50' wide lot, it's x percentage. I don't know if ...

Mr. Hubble – But then there's also weird corner lots that are split up.

Councilmember Hall – I think at this point, there's going to be some things today that we're beyond the ability to go in a different direction. I think we just need to deal with what we currently have, and what is being proposed. What say you?

Mr. McCabe – Still speaking red?

Councilmember Hall – No, we're on orange. We're done with red.

Mr. McCabe – Okay, good.

Councilmember Hall – We've moved on.

Mr. McCabe – I love it. That's why I'm asking. In the orange, just reading the last little illustration intent, page 30, that there could be several buildings lined up shoulder to shoulder, filling out the block, smaller blocks, a single building might fill the block. This frontage is designed to be the most intense area of Center City district and anticipated that there will be significant pedestrian traffic along these blocks. They're wanting to use the range from commercial to residential, municipal to retail, restaurant, all combinations of the above. I would suggest that we keep the 4-unit minimum as we're talking about the higher, taller buildings, but I would like to count the ground floor as one of the units, whether it is commercial or residential, because right now it's allowed to be either. So I'm good with the 4. I like the idea of the density, but if we can count the ground floor.

Councilmember Peacock – I was going to make a similar density argument. I think that's the goal of the area, so to pull away from that is not really the intent of the whole form-based code. I would be in favor of the higher number, but also I don't play in that sandbox.

Mr. Adair – I think we have had projects in those areas that have exceeded those minimums.

Councilmember Hall – Hearing consensus?

Mr. McCabe – Yes.

Mr. McKown – What did we just ...

Mr. Hubble – I want to restate. Keep it as 1 less than the height maximum.

Councilmember Hall – We're talking in orange.

Mr. Hubble – In orange. One less than the height maximum in the entirety of orange – so that's on James Garner, on Boyd, and then even where it's 5 units on Gray. So it's keeping it at that, but the commercial now counts toward that unit minimum.

Ms. Starr – So, to be clear, up on Gray, you're going to have to have 5 units, but down on James Garner you're going to have to have 4 units. Correct?

Mr. Hubble – Yes.

Ms. Starr – And the commercial gets to count towards one of those units. Okay.

Councilmember Hall – Yes. Moving along. Thank you. Just to make sure, from our Planning staff, is there any detail we've missed under number 3?

Mr. Hubble – I want to mention that there is no unit maximum in anywhere except for the detached frontage, in the yellow. You can still build to 5 stories in quite a bit of this. We haven't changed the heights at all.

Councilmember Hall – I think it's really useful to have the height and the unit minimum map. I think it provides clarity for the Planning staff, when we're working with designers and developers, so I really appreciate you creating this map, too. I think that's going to be very useful.

Ms. Muckala – Before you move on, I just want to clarify. The decision on red was 2 residential?

Ms. Starr – Three.

Mr. Hubble – There's a 3-unit minimum, and commercial units count toward that unit minimum.

Councilmember Hall – Are we creating any issues for the Legal staff?

Ms. Muckala – No. I just heard 2 and 1. If we count commercial as a unit, then basically that only changes how we're applying that map, and it's easier to do. I like doing it that way.

Councilmember Hall – Okay. Great. Progress. I love progress. Any other comments? We're good. Okay.

#### **4. DISCUSSION REGARDING THE REFINEMENT OF DEFINITION OF “BEDROOM” AND THE NUMBER OF BEDROOMS ALLOWED PER UNIT BEFORE A SPECIAL USE IS REQUIRED**

Councilmember Hall – We started talking about this last week, and I just am going to repeat that, for me, personally, I think you already know that I feel quite strongly about this of maintaining the special use of four or more. This was the recommendation that this similar group – I think Councilmember Peacock is the only person who wasn't on the committee at the time – this was a recommendation we made in 2019. It has turned out to be very useful in continuing to encourage to see more units, less bedrooms per unit, which is something that I think we still are trying to accomplish going forward. Councilmember Holman is not here – I'm not going to speak for Councilmember Peacock, but I know from speaking with Councilmember Holman that he is still in favor of

keeping this. I know from the Planning staff it has been something very helpful with them when dealing with projects. I really recommend that we keep it as is.

Mr. Adair – We've had one 4-story request come forward and it was approved?

Mr. McKown – 4-unit.

Mr. Adair – 4-bedroom request.

Mr. Hubble – During the appeals time, yeah.

Mr. Adair – No. Since round 2.

Ms. Starr – No.

Councilmember Hall – I can think of ...

Ms. Starr – One on James Garner, and then there was a request on McCullough but it was turned down.

Councilmember Hall – There haven't been that many, really.

Ms. Starr – Now, you've had a CCPUD come forward during the appeal process. They had 3 bedrooms and an office.

Mr. Adair – Have them going both ways, which putting some Council oversight and discretion.

Councilmember Peacock – That's where I'm coming from on this. I understand the market maybe dictates one thing, but speaking as a Councilmember, having just that extra layer of oversight and being able to take a deeper dive into those particular projects – I don't think it's bad thing and I would be very much in favor of keeping that as a tool for Council.

Mr. McKown – We created this in a very reason to keep it out of that legislative process. The whole reason for this is to make it to where you've created by-right zoning to go get a building permit and build. I feel like that if you – I so wish we could do this with drawings, and I know we're out of time, but if you look at the CCPUDs that have come in that have said, you know, here's the 4 bedrooms and if they had been approved that sets a precedent, and I think it's an economic product that is being built and there's a high demand for it and it's got a place. It's almost like if we've approved it again and again and again, then somehow we need to define what that is that has been approved at the Council level and say, yeah, that's legal and you can move forward and build that again and again.

Councilmember Hall – The CCPUDs haven't been confined to the bedrooms at all. It's been for multiple other reasons. The bedroom might be a part of that. But to literally just

look at the special uses that have come forward, I don't think I can even count them on one hand.

Ms. Starr – Again, I think we've had two requests for special uses that I can remember for 4-bedroom. The first one was turned down, and the second one was approved and I think you discussed that last meeting. Part of that was kind of filling a hole of what was already there, which the 4-bedroom was less than what it was adjacent to. So that was part of the deal there. Then I believe on the CCPUD, which wasn't a request for 4-bedrooms, but they did have 3 bedrooms and an office space; they were trying to get the courtyard situation sorted out. They wanted to do a courtyard. So we've only had two that have focused on 4-bedrooms.

Councilmember Peacock – I fully understand where Mr. McKown is coming from, but I think the flip side of that is we want to streamline this for staff, as well, to make it easier for you guys to administer. I'd be interested in hearing what your thoughts are on what direction you'd like to see it go.

Ms. Starr – Well, just having dealt with this for several years, we spend a lot of time discussing that extra space, whether it's called a study, or it looks like a very large, large bedroom that has potential. I feel like that is a lot of work to try to hold it to that 4-bedroom. But, on the other hand, I think if you raise it to 4-bedroom, then we'll be discussing 5 and 6. So I don't know that it would be any easier for staff; it may even be harder.

Mr. McCabe – So just asking – will the new bedroom definition help in the clarification of the room? A lot of the problem that we're receiving right now is the whited-out bedroom #4, written-in library – whatever. Because we've seen those examples brought forth to us. I was thinking that was part of why we were doing the bedroom definition. Also, because if I bring to you a project that has a room that's too big, you're going to count it for a bedroom anyway.

Ms. Starr – Now as it's rewritten. Yes.

Mr. McCabe – Now, as written. So, in reality, in my thought process, the bedroom definition helps solve a lot of the additional flex-room – whatever you want to call it – problem that you're running into.

Ms. Starr – I'll just also say, because people – developers – may have been reluctant to do the special use and go through that process, we have gotten other designs for 3 and 2-bedrooms that have been successful. I think at the last Center City what we heard from them is they wanted to push that diversity of housing types, and it seems like it has been successful.

Councilmember Hall – I don't really have much more to add to that, but I think, with everything that we're proposing this time and keeping this in place, we are continuing to encourage our community to be looking at other types of projects, other types of housing that have that lesser bedroom count. I mean, it's repeatedly what we're trying to do.

We have a very healthy housing stock within Center City that has 4, 5, 6, 7 bedrooms. I think this is one more way that we can consider projects one at a time when we're getting to that higher bedroom count, because we're not seeing the 3, the 2, the 1, and we've talked a lot about why that is, which I understand, but I'm also hoping that we have a document that we're creating for the future and, as market conditions change, that we're going to be able to have some other creative projects come forward. That's really why I feel so strongly about this.

Mr. McCabe – I agree with it.

Councilmember Hall – My recommendation is that we maintain the status quo and what we have in place right now.

Mr. McCabe – Agreed. The reason why I'm saying this is because I love the idea of streamlining the process. I really, really do, because I hate the process. But I know it's been a product that they have been able to build. I know it seems like it's a successful way, and I can respect Lee and Matt's point that this allows for them to give a little bit of overview and not expecting City staff to make that decision, because they're the ones appointed to represent the people. So if they feel like they need it for the additional layer of overview, and the product is being built and working, I'm good. Because it's a living document and I'll see you in two years.

Mr. McKown – Yeah, I get that. And you feel like, also, that you'll be able to do a CCPUD – come in and say, look, this is legitimately what I'm going to build. It doesn't have a weasel room in it.

Councilmember Peacock -- We should make that a technical term.

Ms. Starr – I'm just saying right now that I'm expecting a weasel room. I don't know when it's going to be, but I'm pretty sure.

Mr. McKown – That is the strongest argument for this case, is because the weasel room is going to happen.

Ms. Starr – Whether it be a 4<sup>th</sup> or 5<sup>th</sup> or a 6<sup>th</sup>, it will ...

Mr. McKown – If we make it 4 and then the weasel room ...

Ms. Starr – And build a tunnel to the next property. I don't know.

Mr. McKown – It's going to be pretty funny.

Councilmember Hall – And the dumpster converted into a bedroom.

Ms. Starr – Exactly.

Mr. McKown – But do you feel like you'll be able to bring in a legitimate building that you go, hey, this is what I want to build. There's no weasel rooms in it, and you'll be able to get it approved through the CCPUD process?

Councilmember Hall – Well, you have two paths: special use, or a CCPUD. So there's two paths and we have seen, so far, a small number of projects brought forward, and the projects that have been brought forward were very easy to say yes to.

Councilmember Peacock – And I think that's another layer to it. We're creating an environment that ...

Mr. McKown – Maybe I haven't done enough homework here. How does a special use work?

Ms. Starr – You make application, similar to a rezoning. It's the same kind of process.

Mr. McKown – So it goes through Planning Commission and City Council.

Councilmember Hall – Yes.

Mr. McKown – Okay. So it's simpler than a PUD.

Ms. Starr – You don't have to craft a narrative and et cetera.

Councilmember Hall – It's much more straightforward.

Councilmember Peacock – You don't have to hire a zoning attorney.

Ms. Muckala – It is the same process. Special use and CCPUD are different, though. CCPUD is an actual rezoning. Special uses can come with limits to them – special conditions. That's one very special thing. So they're intense. They can be deintensified through that process, and it allows for that conversation and that kind of crafting on a more individual level. CCPUD have always been like that and they're about really narrowing the uses and the entire development to that area in a special way. They not only allow for those limitations, but -- I think this goes to what Councilmember Hall said about how these projects that have come forward have been easier to approve, because we've seen a lot of them go above and beyond more toward the CCFBC goals.

Councilmember Hall – That's a really good point, because one of the considerations is this meeting the vision of the code and we've really seen some very well thought out projects done that way.

Mr. McCabe – When you do the special use, it just kicks in some additional requirements – sprinkler systems. So when we go to that 4<sup>th</sup> bedroom, it is allowed – it just kicks in a few more things that we have to do. So it's not that it's hard to get, but just know that when you go get the special, you're going to do sprinklers. That's the reason why if they believe

that it adds that level of protection, they're getting the product, they're getting what they want.

Mr. McKown – Okay.

Ms. Starr – To your point, Keith, the other thing it kicks in is the one parking space per bedroom that you have to meet, so that's another reason why some people probably haven't tried to do it, is because they can't meet that. When you go through the special use. So you have the sprinkler, you have to have your parking per bedroom.

Mr. McKown – Alright. If you're good, I'm there.

Councilmember Hall – Okay. We're going to take it. I know Ms. McMahon probably supported that last week. Thank you. Alright. Moving forward.

## **5. DISCUSSION AND POSSIBLE ACTION REGARDING CCFBC DRAFT CHANGES**

Councilmember Hall – I think you all got the new printed draft. Correct? What we're going to suggest at this point is that Mr. Hubble go through it like we did last week. He will comment as we go of the edit changes and typos and that kind of thing that have been addressed, as well as questions that we believe we have resolved from last week. So it's your one last chance to clarify or point out any discrepancies that you see. Take it away Logan Hubble.

Mr. Hubble – Does anyone have any comments on the How to Use this Code, Table of Contents, Part 1? Any of that?

Councilmember Hall – Just to give us a little framework. The changes have not been substantial.

Mr. Hubble – There was some formatting stuff, and there's still some formatting stuff we need to fix. We changed a couple of things that we talked about last week, and I'll get to those. Very minor stuff, for the most part.

Councilmember Hall – If you have a question along the way, please let me know. Okay. Thank you.

Mr. Hubble – Part 1. Then moving on. Part 2 – anything? That's the Administration, Application Process and Appeals with the nonconforming structures and triggers.

Ms. Starr – We haven't changed anything.

Mr. Hubble – No. I don't believe we changed anything.

Councilmember Hall – Yeah. That would be helpful, too. Just say there have been no changes since last week. Okay. Great.

Mr. Hubble – Part 3, the Regulating Plan – we added the new Center City Unit Minimum Map, which we'll now go back and revise a little bit with what we heard today. But, other than that – thanks to Mr. McCabe. He sent up – it ended up being just a typo that we'd made in this section. We accidentally said that there's no unit minimum requirement except for Detached Frontage. It's supposed to say there is no unit maximum requirement. But, other than that, there's really no changes to this section.

Councilmember Peacock – I just want to say something. When the formatting comes down to the final, if you can keep these two pages opposite each other, just like this, so when you open the book up you can reference both at the same time. I think that's really helpful.

Councilmember Hall – Any questions on Section 3? Okay.

Mr. Hubble – Moving on to Part 4. I don't believe we changed anything, at least in the general building form standards. I think they should be exactly how they were last week when you saw that draft. Any questions or comments?

So then moving on to the frontages themselves. The orange should mostly be the same. I know we made those changes to say that now ground story fenestration, from 3 to 5' from the property line, only has to be 10%, rather than previously I believe we had 20%, and same with upper story fenestration. So we changed all that. I know it was a concern. We worked the unit minimum language, as well, to match what we discussed.

Councilmember Hall – Any questions there? Comments? Alright.

Mr. Hubble – Urban Storefront – we will add now the change for commercial units to count toward the unit minimum.

Moving on – in the Detached Frontage, we changed the ...

Councilmember Hall – The yellow.

Mr. Hubble – Yes, the yellow.

Ms. Starr – Which is page 44, if you're flipping.

Mr. Hubble – Yes. 44 and 45. We changed – the ancillary structure can now be as tall as the principal structure on the lot, rather than limited to 18'. I think that was something we discussed last week. Does anyone have anything on that?

Mr. McCabe – And you got the diagram that I sent?

Mr. Hubble – Yeah. We're going to change that.

Mr. McCabe – That way it's not conflicting.

Mr. Hubble – Right.

Councilmember Peacock – I'm sorry. I'm still kind of catching up here. What was the reasoning for removing the diagrams on the pink, blue, orange, red?

Mr. Hubble – Well, pink and blue are going away. The orange diagrams are the most egregious, in that they really, a lot of times, contradict what's in the text. I don't know if it was last week or two weeks ago, we discussed possibly, in the future, replacing them. We don't really have the means to right now, but I think we'd like to.

Councilmember Peacock – That's good to know, because this text is dense and it's hard to understand.

Councilmember Hall – What the Planning staff has discovered over time is that they – like many other things in the original document, it was in conflict. So we're trying to make sure everything is consistent. Definitely want to look at adding back with the correct diagrams in the future.

Councilmember Peacock – Works for me. Appreciate that.

Mr. Hubble – We are keeping them where we can. So, for example, the Detached, which are mostly in line, we kept those.

Mr. Adair – Do we have a statement that says if a diagram conflicts with the text, the text prevails?

Mr. Hubble – I'm not sure.

Ms. Starr – Can we do such a statement?

Ms. Muckala – We can. And it might be good. I'm, frankly, considering whether we needed some language to specify this is demonstrative, and what exactly that means. So that might be how to take care of it.

Councilmember Peacock – I would just say I'd be in favor of working the graphics back, if possible, just because I think they are helpful, as long as they are accurate.

Councilmember Hall – That's the end goal.

Mr. McKown – My question is maybe a legal one. Can we use TIF funding to pay for graphics? I mean, it's a bit of a stretch, but I'm just wondering. There's money in this account. If not, you Councilmembers need to find the money.

Ms. Muckala – I hesitate answering a question about that without having it in front of me, but I have reviewed it several times and it really is really specific to public infrastructure relating to the Johnson study.

Councilmember Hall – I really do believe we have path with other people who have offered to ...

Ms. Hoggatt – It's an issue with software. It's kind of hard to get licensing for Illustrator and Photoshop, so we're working on it. We probably just can't do it in time for this update.

Councilmember Hall – So it will get done. It just might not be done on the timetable that we want to get finished so that the administrative delay gets lifted and we can move on.

Mr. McKown – Does it have to go through this long drawn-out process to get the graphics added back, or can it just be done?

Ms. Muckala – The code itself is adopted in whole, so it would have to be a zoning amendment. It doesn't have to come through a committee. It can go straight to Council.

Mr. McKown – Be on the Consent Docket.

Councilmember Peacock – I would just say that I have all those softwares, so I'm happy to help put these together, if that's what it takes.

Councilmember Hall – Okay. And so does Autumn McMahon, and has offered to help, as well.

Councilmember Peacock – Sorry. Didn't mean to derail things there.

Councilmember Hall – Okay. Detached Frontage – we're good. Were there any questions on any of the others?

Mr. Hubble – Any of the frontages?

Councilmember Hall – Trying to skip right over there. Okay.

Mr. Hubble – Part 5 we made no changes at all. Does anyone have any questions/comments?

Mr. McCabe – Is Part 5 where I get to ask about the alley categorization, because it has the alleys in there?

Mr. Hubble – I guess that would be the – Scott might ...

Councilmember Hall – Your question is?

Mr. McCabe – The question is – you were blind-sided last week. Did we get any kind of conversation started about the possibility of an alley being able to be recategorized during a storm – and not taking away from the whole neighborhood. I understood that.

Mr. Sturtz – I went back and asked, and nobody in our department had any questions asked about clearing alleys and said we don't do alleys. So we don't know where that

came from exactly. We have said that an alley – if there are limbs that have been knocked down across an alley, yes, we will clear those. But it will be in a priority ranking and that is down at the bottom of the rankings. But to say that, no, we won't do that – but if it's just stuff that's blocking the alley – people leaving their dumpsters and stuff like that, that would not be our responsibility.

Mr. McCabe – Yes, Sir. I guess my question – in Center City this is their street, even though you categorize it as an alley, it's their physical street. So to say that it's not as important – it's the same street as Chautauqua. It's the same as – they have the ability on these other streets, because they park out front. We don't have that option.

Mr. Sturtz – But there's still access to the property. We can split hairs, but I really feel that the discussion we're having is not a part of this document. I think it's something we can continue to battle about. I don't know that we need to take the time in this committee on it. But to say that Chautauqua – a street that's a through street that's connecting to – it also gets down to a life safety issue. And for me to say that not clearing Chautauqua to clear an alley because an alley is how somebody is getting to their driveway – it's a life safety issue, because they're going to access that from the street, not the alley.

Mr. McCabe – And I like that argument. I've used it several times. Thank you.

Councilmember Hall – Yes. This is beyond the ability of this document to address that issue, not that we can't address it in another venue.

Mr. McCabe – Thank you for allowing me to ask.

Mr. Hubble – So moving on to Part 6, the Parking section. One change that we made here that we had discussed last week is changing it from parking spaces being either 8 ½ by 18, I believe it was, or 9 by 18 – but changing it to just a square footage number. So now parking spaces need to be at least 162 sq. ft. in area. We discussed the parking lot design is up to the discretion of the developer. They can have as much tandem as they want. They just have to be able to configure that in some way.

Mr. McKown – What page are you on?

Mr. Hubble – Page 66 in Part 6.

Mr. McKown – I do have a parking question, but I don't know where to find it.

Councilmember Hall – That's okay. We're on parking, so you can ask.

Mr. McKown – So I woke up obsessing about what if somebody wanted to do a podium building ...

Councilmember Hall – A what?

Mr. McKown – A podium building – a downright intense urban 5-story building ...

Councilmember Peacock – 4 over 1.

Mr. McKown – Yeah. So 4 stories of wood frame over – and the only way I could figure it out is to draw it. So you have 5 lots in a row. You can get 82 parking spaces under it, and you can get 68 total units on there, but it is going to be really wicked to try and get 68 total units. And my question is, that's the building that the guys from Oregon want to build. They want to come in and do that kind of serious density. Does our parking requirement match up with that? I wanted to test it real quick, in terms of requirements. Because it's going to be 44 1-bedroom apartments, and 24 2-bedroom apartments. So, based on the parking requirement we have, would that meet our standard?

Mr. Hubble – Yeah, it could. I mean, they would have to meet the parking requirements.

Mr. McKown – What I'm asking is, how would they know? I'm designing this building. What is ...

Ms. Starr – You want to know what the parking requirements are for the number of bedrooms? Page 63.

Mr. Hubble – So if you have a studio or 1 or 2 bedrooms, you're required to have half a space per bedroom.

Mr. McKown – So I'm way beyond the required bedrooms. If I have 68 units, I only really need 34 parking spaces.

Mr. Hubble – Yeah. If they're all 1-bedroom.

Mr. McKown – That's a big incentive. It won't get used, because that building is insanely expensive to build. Okay. I just needed – we've been worrying about what we're actually building, not what we might build someday. Okay. This is good.

Councilmember Hall – We've really thought about this. Hallelujah. Okay. Excellent. Any other parking questions or comments?

Mr. McCabe – I guess what my question is, during the conversation, we added the square foot parking spot should be 162 sq. ft. however you configure it. Then, also, on the previous page, which would be on page 63, item H, achieving parking requirements, item 3, parking lot design is up to the discretion of the developer. Is that counter-productive to say it is up to the discretion but, oh, by the way, it's up to the discretion as long as you have 162 feet?

Mr. Hubble – I think those two things work together in that, yeah, you can do whatever you want but for something to count as a parking spot, it has to be at least 162 sq. ft. in area. You can configure it however you want, but – actually, we discussed this this morning. We're going to copy over the square feet number to this section as well, so that it's in both places. Because right now it seems like it's only referring to the tandem

parking, but actually it's supposed to be referring to parking in general, so we're going to have it be in both areas.

Councilmember Hall – So, from your standpoint for interpretation, you're comfortable with what you're going to do?

Mr. Hubble – Yes.

Councilmember Peacock – The only heartburn I have with the 162 sq. ft. is that essentially prohibits compact parking spaces, which would be 128 sq. ft.

Ms. Starr – We went through all that last week. We obviously don't want – if we allow compact, how would you do that? Compact to park a motorcycle? Are you going to have 100% compact spaces all of a sudden when, in fact, you're driving pick-up trucks?

Councilmember Peacock – I understand there's a rub. It eliminates the possibility for having them.

Ms. Starr – Well, again, there's the parking requirement that you've got to meet on page 63 and all that, but, in reality, what actually gets parked out there could be entirely different. So you could have compact with a bunch of pick-up trucks all mixed together, and they could be parking in one space or ...

Councilmember Peacock – Right. I'm not sure that I'm leaning one direction or another. It's just something that popped out at me.

Councilmember Hall – You kind of missed that last week. So that really came from other members of the committee. Any comment?

Ms. Hoggatt – From an enforcement perspective, that makes me nervous.

Mr. Hubble – Why?

Ms. Hoggatt – Because they could just create a spot that has the square feet that you can't actually fit a car on.

Mr. Hubble – We're essentially saying that if they have 1,620 sq. ft. of paving, that counts as 10 parking spaces. If they want to say that, then they can. It will all be tandem.

Ms. Hoggatt – Then Code goes out and gives everyone tickets because they parked on the grass and it's not actually enough room.

Ms. Starr – They should have built ...

Mr. Hubble – They should have built more or park on the street.

Ms. Starr – I think that the issue we've run into is that we've had problems with enforcement of any parking diagram, and arguing with folks over it.

Ms. Muckala – Can I follow up with a question? Just for enforcement purposes. So we're talking about when these plans come in, we're going to look at the total square footage of the area, exclusive of any striping requirements. We won't require them to diagram striping?

Mr. Hubble – No. They'll just have to show us where the parking is. Essentially. That's how it's written. I don't know how we want to do it.

Councilmember Hall – Because the reality is, with everything that we have in place right now, it's an issue every single day from all perspectives. We have students complaining because their places that they're leasing don't provide and then they're getting tickets. It's coming at us from all different directions and I think, in the end, addressing the code compliance piece of it on the part of the City is going to have to be, again, outside the scope of this document. But I think anybody who has been building in Center City understands that a parking space is important to the person who is leasing an apartment or a room.

Mr. Sturtz – I think I understand what they're trying to say. I think you need a minimum width. A minimum width with a square footage of. Otherwise, you could say I have 10 12x12 parking spaces and we all know that you can't park there. In the end, while you've created a shape that theoretically can park cars, you technically cannot park cars. So last week I thought that we were going to say 8 ½x18 or – basically, it was together. I thought we were keeping dimensions and giving some leeway by allowing a square footage, not saying just a square footage, because you can literally just start creating – 12-something feet squares and go, yep, I've got 6 of them, but yet there is no physical way in any configuration to park 6 cars. So you still have to guarantee the amount. The reason that we got to the square footage was Richard's question about, if you're doing angled parking, where do you count the distance from? Well, anywhere you pull up – I've done this recently this week because I had to for another purpose – but when you start pulling up typical parking diagrams, it's always assuming that there's a 90-degree angle between the lines that you're parking between, and it shows you where your 18' comes from. So I think we've kind of gotten into a little bit of a situation here, where we were trying to solve one problem, but there are standards out there that already solved it by throwing in the square footage. I think that if we just do it on a square footage, I think we're going to be getting lots that are completely useless.

Ms. Starr – So you're suggesting just the minimum width? Because I think one of the conversations we had last week was to whoever's point about the compact cars, where people want to do compact and larger ones lengthwise they can if they want. But a minimum width would maybe solve this?

Mr. Sturtz – I just think that ...

Mr. McKown – That's a really good suggestion, because it solves your geometry problem. I can't bring myself to draw an 8 1/2' wide parking spot, because it's wicked and evil.

Mr. Adair – You're going to have somebody that's got a 3' wide by 55' long sliver left and they're going to say it meets the parking requirement.

Mr. McKown – I'm just saying I'd be happy to draw it but I can't, ethically.

Ms. Starr – Do we need to say striping plan, as well, then? Sort of sounds like, because otherwise how do we ...

Mr. Sturtz – I, personally, would require a striping plan just so you can see how – it would be easy to come in and say, yeah, I've got – I just think that you need a little bit so you can make sure that somebody's not taking liberties with a 6' wide by – we're parking down the side of the house right there. And you can't get a car there.

Councilmember Peacock – I think that addresses where I was coming from. I wasn't necessarily advocating that they all be compact spaces, but the condition where you've got one little leftover piece that only a compact car could fit in that spot, and we either say, no, you can't have a parking space there, or we allow a compact space. So I think having the striping plan or the minimum dimension – I think that would help.

Mr. Hubble – So we can have both. So what should the minimum width be?

Ms. Starr – 8 1/2 it sounded like. 8 1/2 minimum width?

Mr. Sturtz – That's the minimum I would recommend for being able to get doors open.

Mr. Adair – The language before had an 8' minimum.

Mr. Hubble – It was incorrect. It should have been 9x18. That was a typo. 9x18 or 8 1/2 x 18, I believe.

Mr. McCabe – Don't get me wrong. I absolutely agree with getting out of the car, and what happens is – and that's how the compact areas came up, because when we do the layout, when we're going out at 45, those very last two by the alley – it's too small for the big trucks and it makes a great location for your trash cans and all of that stuff, but I'm good with that.

Mr. McKown – Are we requiring the place for the trash cans? How did that work out?

Mr. Hubble – We're not going to have a service court, but we will require the polycarts to be shown on the site plan.

Councilmember Hall – Yeah. We want to see where they are.

Ms. Starr – You've got to have sanitation service of some sort.

Mr. McKown – Okay. Are we requiring that it be abutting the alley? Or can it be just anywhere?

Mr. Hubble – No.

Ms. Starr – Anywhere.

Mr. McKown – Anywhere you want. Okay. But you have to have it planned on the site.

Councilmember Hall – But we want to know where they are.

Ms. Starr – So we're adding striping plan and 8 ½ minimum. Is that what everybody seems good with? Okay. Just to clarify.

Councilmember Hall – Okay. All nodding heads. Yes.

Mr. McCabe – Just to reclarify – striping plan, diagram great. But when we get to the striping diagram, that center drive aisle – we're good with that being able to be narrower than what's – because I can't do it on a 50' lot if I do it that way.

Mr. Hubble – Right.

Mr. McCabe – So we're okay with a narrower drive aisle?

Mr. Hubble – It's up to the discretion of the developer.

Mr. McCabe – Thank you. I'm good.

Councilmember Hall – Everybody good? Okay. Excellent. Any other parking issues? Going, going, gone. Does that satisfy your concern and your concern? Okay.

Mr. Hubble – So moving on to Section 7 is the Use section. We didn't change anything. Anyone have any comments or questions? Page 67 through page 74.

Councilmember Hall – Questions? Comments? Moving on.

Mr. McKown – Is this where we're defining the sex shops and all that stuff?

Mr. Hubble – No. That's the definitions section.

Mr. McKown – I had to leave last time before we got into the discussion.

Mr. Hubble – Section 8 is the Site Development Requirements – the grading plan and such. Didn't change anything with that over the past week.

Councilmember Hall – Part 9, Definitions.

Mr. Hubble – The only thing we changed in the definitions section is on page 79, the bedroom definition. We added the 144 sq. ft. maximum size for a bedroom, so now what it says is any room or space which meets this definition and is greater than 144 sq. ft. in floor area shall be counted as two bedrooms. Every additional 144 sq. ft. of floor area shall be counted as an additional bedroom.

Mr. Adair – What page is that on, Logan?

Mr. Hubble – That is page 79.

Ms. Starr – At the very bottom there in the blue. Because originally it said any habitable room or space no less than 70 sq. ft. and no greater than 144 sq. ft., and then there was a concern about how big a primary bedroom ...

Mr. Hubble – It didn't say no greater than 144. So we changed it so that once you hit 145 sq. ft. you're going to have 2 bedrooms. Once you hit 289 sq. ft. you're going to have 3 bedrooms, and so on. Every additional 144 sq. ft. is an additional bedroom. You can't just make one big room and then divide it up into 5 or 6 bedrooms and call it just one bedroom, though, on the site plan.

Councilmember Hall – I thought that was a good suggestion.

Mr. Adair – Rooms and put them together into one.

Mr. Hubble – What do you mean?

Mr. Adair – I'm going to build two 45 sq. ft. rooms and take the wall out in between them.

Mr. Hubble – Then that could be one room. That's a good question.

Mr. Adair – I'm going to build two 45 sq. ft. closets. And, guess what, there's no electrical in the wall between them.

Mr. Hubble – That's interesting.

Ms. Starr – Tricky.

Mr. Adair – I have a devious mind.

Councilmember Hall – Part of your charm.

Councilmember Peacock – Could you change that 70 sq. ft. number to 72 sq. ft. so that when, if that were the case, and then you combine those two rooms, it would equal 144, and therefore be classified as ...

Ms. Starr – You were saying two 45 ...

Mr. Hubble – Two 45s – then if you combined them it would be 90.

Mr. Adair – I'm taking the wall out between them. Now I have an 80 sq. ft. bedroom.

Ms. Starr – Instead of having a bedroom with a 40' square closet, now you suddenly actually have a whole other room.

Mr. Hubble – I don't know how we could ...

Councilmember Hall – I think that fits the weasel ...

Mr. Hubble – Definitely a weasel room. I don't know how we could possibly ...

Mr. Adair – We will meet a fourth time.

Mr. Hubble – People will probably do that.

Mr. McKown – I'm trying to visualize it. I can see – there was one that came in and they had this monster study, and you had a landing on the back of the staircase with a closet door going in there, so now you don't even have to cut a door in after the fact. And then you have this as a closet on this side and a closet on this side. Get your CO. Take the wall down.

Mr. Adair – I'm going home now.

Mr. McKown – Hold on! Because it's a closet, you don't have to run outlets. Oh, my gosh.

Mr. Adair – Center wall has no electrical in it – it comes out like that.

Councilmember Peacock – Well, I don't know if it says it in here, but typically you can't count it as a bedroom if it doesn't have a closet. Correct?

Mr. McKown – Right. But there's enough room there to totally do everything Jim is describing and then weasel it back there and include a closet.

Mr. McCabe – Well, that was where my head was going. You take the 144 sq. ft. and you add the oversize closet, so if you're talking about taking it out, that then means I lose my closet out of my 144 sq. ft. bedroom, so now that would take room out of my 144 sq. ft. bedroom to re-add my closet. So then, could it be done? Sure. We can always convert a livingroom into living space, but there is – and people will always cheat, but there's that life safety issue of a second means of egress and smoke detectors and all that, and if you choose not to do that – I don't think we can change that.

Ms. Starr – Of course, they could build the closet with windows in them. I mean, they could submit it that way.

Mr. McCabe – Are these minutes all going to get published? Why don't you just set it on Google? Now everybody's got the idea.

Councilmember Peacock – I don't know how you combat that.

Councilmember Hall – Well, it's all going to evolve after-the-fact. But we're establishing what we expect.

Mr. McKown – When you're getting ready to sell the property, you actually have a code violation inside the piece of real estate and a really good appraiser is going to catch it and he's going to go, hey, your cap rate is only based on revenue off of these 3 bedrooms, because the zoning says – so the weasel room is ultimately going to get you screwed if you try and weasel it in.

Councilmember Peacock – Yeah, but these things make so much money, there's no incentive for somebody to ever sell it. I don't think that time would ever come. Could you also do a closet definition?

Ms. Starr – But even if we did do – what I'm visualizing you're saying is you could then just have two bedrooms that don't have a closet, because you've taken the closets that you originally were going to have and made them into a room, and then your bedrooms that don't have a closet you either build a closet or you have an armoire or whatever. That's what you're saying. So even requiring a bedroom have a closet, they could still do away with the closet.

Mr. McKown – You brought up the example of the armoire, because it literally was invented to weasel around the code – it's a code hack from taxation in France. You were taxed on every closet. The Venetians have all these windows bricked up, because at one point you were taxed on the number of windows. So there will always be somebody weaseling around making a mess out this.

Councilmember Hall – It's the missing definition, you all. Weasel.

Ms. Starr – The only question I had – and I'm sort of looking to Lora – is, if they take down the wall, do they have to get a building permit? I know if they put up a wall they have to. Just asking.

Mr. Hubble – They're supposed to. If they put in a door, they're supposed to, but they don't right now.

Mr. Adair – Are we through this, Logan?

Mr. Hubble – Yeah. I don't have any further.

Mr. Adair – I have a real quick back to red question.

Councilmember Hall – Hang on, before we move along. We're understanding what we've got here. Is there – I'm not sure there's anything we can do with it. Okay.

Councilmember Peacock – I think putting a max square footage on a closet size – that's getting into the weeds, but that might curb some of that appeal.

Mr. Adair – I've had lots of closets that are bigger than 40 feet.

Councilmember Peacock – I just mean if we say that you can't ...

Councilmember Hall – Okay. What are you thinking?

Councilmember Peacock – At a certain point ...

Ms. Starr – What size, though, would you say?

Councilmember Peacock – That's where it gets kind of – I don't know what's not an arbitrary number. But it needs to be something that, when you combine two closets, its still not big enough to function as a bedroom. Yeah, it's a 7x7' room, but who is going to want to live in that? I mean, is that a marketable space? Or are you going to be able to sell that as a bedroom? I don't know if we want to limit people on the size of the closets they can put in, but ...

Councilmember Hall – Maximum depth? Would that help?

Councilmember Peacock – Some limiting factor on the ...

Mr. Hubble – We have seen some walk-in closets in the Center City form-based code area.

Councilmember Peacock – I don't want to take that away from people.

Mr. Hubble – When we're talking about wanting to continue allowing for single-family south of Duffy, that would then – people want big closets.

Councilmember Peacock – Special use for three closets or more. I don't know. I don't have an answer for that. I'm like Richard. I think we need to draw it up.

Councilmember Hall – Are we moving along to consider ...

Mr. McKown – This does point out the importance of getting to our pattern zoning.

Councilmember Peacock – Absolutely.

Councilmember Hall – Good point. Alright. Any other? Did you have a question?

Mr. McCabe – No. Just a comment. Because of the square footage, because of the pervious/impervious, parking, all of that, my bedrooms' closets are typically 3x6, which is 18 sq. ft. I just don't have the square footage to give a grand closet – a large walk-in. By the time I try to fit everything on the lot, 3x6 and I feel like I'm giving all the closet in the world. So I'm not saying that it won't be bigger, but I'm just saying 18-25 sq. ft. is about – but I can understand exactly what he's saying.

Councilmember Peacock – Sure. I think in your situation, though, if you combine two of those, nobody is going to want to live in a 50 sq. ft. room.

Ms. Starr – And last time we discussed, when we were coming up with this space, that people would go over 144 for a primary bedroom, but if they wanted to do that, they'd need to come through the CCPUD. I guess if we want to put a limit of 40 sq. ft. to a closet or something, you could, and then they'd have to go for a CCPUD to have a bigger closet.

Councilmember Peacock – That's a bucket of worms right there.

Councilmember Hall – So I think what I'm hearing is the benefit of how it's written outweighs the risk of what could happen. Is that where we are?

Ms. Starr – Something that staff hasn't considered. I feel like it probably is the weasel room.

Ms. Hoggatt – I don't know. We can only regulate so much.

Mr. Hubble – Right. I agree.

Ms. Muckala – We're speculating just a bit – not about whether it could happen, but if it's going to happen, I think I'd rather see it happen and then know how I need to deal with it.

Ms. Hoggatt – If we want to keep single-family as an option, to say they can't have a big closet – make them go do a CCPUD to have a big family closet.

Mr. Hubble – Anything else on the definitions?

Councilmember Hall – It's an important definition.

Mr. Adair – Anais, going back to the red and our unit requirement for a minute – just real quick. If you had an existing one-story structure and you intended to keep it one story, strictly commercial, but you did a remodel – you exceeded the remodel threshold and brought the code in ...

Mr. Hubble – Well, there's not a remodel threshold. It's only an addition threshold. You can remodel the whole thing.

Mr. Adair – Take Joey's project, where he kept the little building on the front, and you're going to hit the trigger there. Are you mandating residential?

Mr. Hubble – No. You can still do solely commercial if you want to, but you do have to build two stories, though. But you can do two stories of commercial, as long as it's the same establishment.

Mr. Adair – You have to do two stories.

Mr. Hubble – There is a minimum two-story height in the orange and the red. And that's how it has been.

Councilmember Peacock – That was one of his variances. The only reason is because we have a second story planned, which actually will probably get worked in the first phase now that we've got a tenant on board.

Ms. Starr – Then his other reason was because he wanted to keep that little cute cottage. So, to do that, without having to tear it down, because it didn't meet ...

Councilmember Hall – Point out the beauty of being able to use the CCPUD vehicle for a project like this, because the current Cookie Cottage is a beloved little historic building in Norman and the only way he could have kept that is with a CCPUD.

Ms. Starr – Well, either that, or he'd have to go move someplace else where people couldn't find him, because apparently he had a lot of comments – feedback. Right? They wanted him to keep it.

Councilmember Hall – It wasn't from us.

Councilmember Peacock – No. It was a court of public opinion.

Councilmember Hall – Trending on Facebook. Trending on Twitter. I think everybody is delighted that they're in business and doing well and creating that active street that we want to see.

The appendix. We skipped the appendix. I don't think there were ...

Mr. Hubble – No new changes.

Councilmember Hall – Alright. So the moment we've all been waiting for. I need a motion from the floor to approve the draft document with changes.

Ms. Starr – Recommendation.

Councilmember Hall – A recommendation.

Councilmember Peacock – I motion that we approve the changes outlined in April 22<sup>nd</sup> draft of the Center City Form-Based Code.

Mr. Adair – Second.

Councilmember Hall – All in favor, raise your hand. It's unanimous. Okay.

## **6. DISCUSSION OF NEXT STEPS**

Councilmember Hall – We're going to review what happens next in the process. Just so you all know, the letters of notification have already gone out. There is the notice in the paper, so we are on a tight timeline to get this done when the administrative delay expires on June 14<sup>th</sup>. Just to review for everyone.

Mr. McKown – Sorry. When will this be on Council's agenda?

Councilmember Hall – He's going to go through every step.

Mr. Hubble – May 10<sup>th</sup> it's going to Council Conference. Then May 18<sup>th</sup> we have the special Pre-Development Meeting. Then May 19<sup>th</sup> is the special Planning Commission meeting.

Mr. McKown – What time is the Council Conference?

Councilmember Hall – It's usually at 5:30. I don't know if that's the only item on the agenda. Sometimes we – I think it would be helpful if we send notification out to all of you as they come.

Mr. McCabe – Or just send that, an email, so I can add it.

Mr. Hubble – We sent this out last week. We can send it again, though, and we can add the times to it as well.

Mr. Adair – Citizen comment at the Council Conference?

Councilmember Hall – No public comment. It's an opportunity for the Council to get familiar with where we've gone and what we're proposing. That normally starts at 5:30, depending on what other items might be added to the agenda. It could start at 5:00. So we'll be sure and let you know.

Mr. McKown – Councilmember Hall, I have at times, when I've given this much of my time and technical expertise, I have been called upon to ask and answer technical questions, because the Council – we only have one Councilmember who is in the building industry. There can be things that go sideways from a lack of understanding about how the industry actually works. I was going to give more of my time to come and be available, but my understanding is that a Councilmember sitting at the table has got to turn and ask for the input of the citizen that is there. If I don't need to be here, I am happy to go do something more profitable.

Ms. Muckala – It's within the discretion of the chair. There is no public hearing aspect to a conference, so it's totally at the discretion of the chair, and you're right – they would generally turn and ask.

Councilmember Hall – I would welcome your presence.

Mr. McKown – Will you be chairing that?

Councilmember Hall – No. It will be chaired by the Mayor. But it would be great to have you there.

Mr. McKown – I seriously don't need to come unless I'm – but this does get bogged down into a lot of technical stuff.

Councilmember Hall – Mark your calendar.

Mr. Hubble – Then, following that Planning Commission special meeting, May 24<sup>th</sup> will be the City Council first reading, and then June 14<sup>th</sup> will be the City Council second reading.

Councilmember Hall – Just as a review, the first reading is just a matter of information to the Council and to the community that the full discussion will take place at the second reading.

Mr. McKown – For whatever it's worth, I'm going to be out of the country when this comes through. I've got to be in Sweden with Dr. Kaufman working on green infrastructure stuff. It's going to be a work trip. Liz doesn't get to come. We're over there grinding our way through green roof products. But I can't be doing this and that. So I think, as this goes through the political process, it could really get derailed.

Councilmember Hall – Why do you think that?

Mr. McKown – I've lived in Norman and worked in Norman for years, and I was born here.

Councilmember Hall – Fair point.

Mr. McKown – This is all I do for a living. I'm going to be able to, probably, be at the Council Conference, but I think that the guy that's been at the front line down here building and working and making sure all this – you're really going to need to have Mr. McCabe at all of these as well and pull information out of him if things start going sideways. I think it's really important.

Councilmember Hall – I'm hoping that you all can participate at every step of the way. But I know that there's a lot of travel conflicts. By all means, you're a part of this process as we go forward and hope to see you at everything you can possibly attend.

Ms. Muckala – I want to make sure I clarify one thing. I thought I heard that there was only going to be public input at the second reading at City Council but, of course, this

goes through the normal rezoning process, so it will get Planning Commission, too. I just want to make sure everyone knew that.

Councilmember Hall – And Pre-Development.

Ms. Muckala – Right. That's more a question and answer session.

Mr. McKown – The decision makers normally are not at Pre-Development. Occasionally you have a Planning Commissioner and Councilmember from the ward, so you might be at Pre-Development.

Councilmember Hall – Oh, I'll be there.

Mr. McKown – But I doubt any of the other Councilmembers will be. I've never seen that.

Councilmember Hall – But that is an opportunity for all of the people who are being notified of this change to invite them to participate. So there's that process, and then a Planning Commission – there'll be a presentation and anybody is welcome to make public comments at that time. Lots of participation at that level. I was just strictly speaking – there's a lot of confusion about first and second reading on agenda items for the City Council. So I was just addressing that, that the first reading no one has to adjust their schedule or make time to come or anything like that, because it's very perfunctory, all the documents are posted. It's a heads up to Councilmembers to what's coming next, and it's also a heads up to our community – this will be fully discussed in two more weeks.

Mr. Adair – Again, this is one of those really rare situations where we're rezoning your property without your consent. It doesn't happen very often.

Mr. McCabe – Last question. We voted and I'm good. But when I had sent out that last little crazy thought about some of the development that's happening right now – the five units built – he's built three, owns unit four but he has not built, and has built five, six, seven. When I left City Council Tuesday night – 10:00 – I should have went home, like sane people, but I don't. I drive my neighborhood and I let things worry me to death. And I see two developers building on Apache and Symmes have built to the east, have built to the west, there's one or two little single-family lots that they either own or are in the process of buying. My thought was to allow them to be able to fulfill that block frontage under the existing. If we can't add it, is that something that they would do through a CCPUD? But it's just because I have built, pre-2015, have a structure on a block. I've built to the 2017 CCFBC. I've got one in 2019, and now I'm fixing to get one for 2022. So it changes. I was kind of hoping when I saw that – I think I actually only counted three that could even possibly be done. But that would allow them to fulfill the same height elevation, look, everything, to infill that whole block. It's so much prettier than this jagged stuff. I'm just bringing it up.

Councilmember Hall – I realize that's something that you emailed to everybody, and I should have just addressed that by saying, at this point, we're beyond the ability to really address that.

Mr. McCabe – But it could be handled through a CCPUD maybe?

Mr. Hubble – Through a CCPUD. And, really, what was built can still be built, especially in what was the blue – Townhouse/Small Apartment area. You still have the 3-unit minimum, which is what it is right now. Now you can lower your finished floor elevation to 14", but you can still build at 3' as they were. There's really nothing that would prevent them from finishing up a block in the same way.

Mr. McCabe – Like I said, I saw this beautiful row house looking deal and I thought, oh, goodness, I'd hate for something different to have to be built in the very middle of it. Thank you for answering that.

## **7. MISCELLANEOUS COMMENTS OF COMMITTEE MEMBERS AND STAFF**

Councilmember Hall – I just want to take a moment to say thank you from the bottom of my heart to all of you for volunteering your time once again on something that is really important to the future of Center City, so I appreciate all of your comments, all of your input, all of your feedback. I definitely want to thank our staff who have spent hours and hours and hours and hours and hours trying to interpret this and to meet the vision of our community, and I feel like we've taken some very positive steps forward in 2019. I think this has been very useful and I think we're moving toward all the goals that we've mentioned already, but in particular one that I think has been at the forefront, and that is to help simplify how we move forward, not only for the Planning staff and their help in interpreting for the developers, but that this is much more clear cut and that we continue to chip away at all of the inconsistencies that we've discovered in the reality as we're building these things. Oh, my gosh, this has touched so many departments. Thank you, Mr. Sturtz and Ms. Muckala and everybody in Planning. Ms. Tromble has come in on Saturday to make sure we get our minutes done. I just appreciate all of you so very much and hope that you can mark your calendar and participate with this process the rest of the way as much as you possibly are able to. Thank you for that, and this meeting is adjourned.

## **8. ADJOURNMENT**

The meeting adjourned at 1:06 p.m.